



Hong Kong

December 2020

HONG KONG GOVERNMENT ANNOUNCES NEW SOCIAL DISTANCING MEASURES

On 8 December 2020, the Hong Kong Government announced¹ new social distancing measures under the Prevention and Control of Disease (Requirements and Directions) (Businesses and Premises) Regulation (Cap.599F) to take effect on 10 December 2020 for a period of 14 days until 23 December 2020. Various regulations under the Prevention and Control of Disease Ordinance (Cap.599) will also be extended to 31 March 2021. This follows the last round of social distancing measures which were introduced on 2 December 2020, which, in the view of the Hong Kong Food and Health Bureau, have not eased the impact of the latest outbreak.

The new measures will compel bars and pubs to remain closed and the operations of restaurants will be further limited. Numerous other businesses have been ordered to close, in addition to private companies being encouraged to arrange work from home as far as possible. The prohibition on public group gatherings of more than two people and the requirement to wear a mask in public places and on public transport have been extended until 23 December 2020, with the fixed penalty fines increased from HK\$2,000 to HK\$5,000.

1. Extended Closure of Bars and Operations of Restaurants

Bars and pubs, which have been closed since 26 November 2020, must remain closed until 23 December 2020.

Catering businesses (which includes restaurants) may remain open, however tighter restrictions have been announced,

including that dine-in will be prohibited from 6pm to 4.59am of the following day. Certain specific catering businesses will be exempt from the prohibition on dine-in, which includes catering businesses in hospitals, residential care homes, treatment centres, boarding schools, Government-controlled or managed premises and premises constructed to be used and used as a private dwelling. Additional catering businesses have been granted exemptions from the prohibition from the Chief Secretary for Administration, including:

- catering businesses for the operation and development of Hong Kong International Airport and aviation industry;
- canteens for the staff of the MTR, franchised bus companies, tunnel operators and franchisees and terminal operators in the Kwai Tsing Container Terminal, River Trade Terminal, Chu Kong River Trade Terminal and China Merchant Wharf;
- catering businesses at the Hong Kong Sports Institute;
- businesses catering for staff on power companies' premises;
- businesses catering for staff inside waste management facilities;
- day and residential welfare services run by non-governmental organisations;
- businesses in the premises of the offices set up the Central People's Government in Hong Kong; and

¹ <https://www.info.gov.hk/gia/general/202012/08/P2020120800780.htm>

- canteens in any work place (other than factory canteens) which are used exclusively by persons employed in the work place and catering businesses.

Catering premises are also required to prominently display the “LeaveHomeSafe” venue QR code at the entrance to the venue or in a conspicuous location. Banquets taking place in catering premises will also be limited to 20 persons only. Restrictions limiting tables to a maximum of two people, the 50% cap on capacity and the ban on live performances and dancing will remain in place. Catering premises must also continue to maintain an adequate distance (at least 1.5 metres) or an effective partition between tables.

Persons responsible for carrying on catering businesses (which includes the owner, proprietor and manager) that contravene the requirements of Cap. 599F will commit a criminal offence. Offenders will be subject to a maximum fine of HK\$50,000 and imprisonment for six months.

2. Scheduled Premises Ordered to Close

It was announced that all scheduled premises regulated under Cap. 559F listed below must close until 23 December 2020:

- amusement game centres (*within the meaning of s.2(1) of the Amusement Games Centres Ordinance (Cap.435), which may, depending on the particulars of the business, include internet cafes and e-sport venues*)²;
- bathhouses;
- fitness centres (*which includes gyms and any place which provides advice, instruction, training or assistance on improving physical fitness, including bodybuilding, dancing, yoga, pilates or body stretching and martial arts as specified by Schedule 2 to Cap.599F*);
- places of amusement (*which includes billiard establishments, public bowling-alleys, and public skating rinks as specified by Schedule 2 to Cap.599F*);
- places of public entertainment (*as defined in the Places of Public Entertainment Ordinance (Cap.172) i.e. any temporary or permanent place, building, vessel, erection or structure in or on which public entertainment takes place on one or more occasions. This includes for example, stage performances, laser displays and cinematography,*

2 https://www.coronavirus.gov.hk/eng/social_distancing-faq.html#FAQB8

circuses, lectures/story-telling, exhibitions of art/literature or other things, sporting exhibitions/contests, bazaars, amusements rides and dance parties);

- premises that are maintained or intended to be maintained for hire for holding social gatherings (commonly known as “party rooms”);
- beauty parlours (*excluding hair salons and barber shops, which are permitted to remain open*)³;
- establishments that are open late into the night, usually for drinking and dancing or other entertainment (i.e. clubs or nightclubs);
- karaoke establishments;
- mahjong-tin kau premises;
- massage establishments (other than those excluded premises, which includes specific medical treatment centres);
- sports premises; and
- swimming pools (*including public swimming pools and swimming pools operated by any club, institution, association or other organisation*)⁴.

Club-houses (i.e. any premises or part thereof exclusively for the permanent or temporary use by a club and its members, as defined in the Clubs (Safety of Premises) Ordinance (Cap.376)), hotels and guesthouses may remain open, however their operations are subject to the following restrictions:

- facilities that are being used or operated as any of the above outlined scheduled premises that have been ordered to close, must be closed;
- the number of persons in meeting rooms or function rooms must not at any one time exceed 50% of the normal capacity of the room; and
- no more than four persons are allowed in a guest room, rental unit of hotels or guesthouses.

3 https://www.coronavirus.gov.hk/eng/social_distancing-faq.html#FAQB10

4 https://www.coronavirus.gov.hk/eng/social_distancing-faq.html#FAQB7

Club-houses, hotels and guesthouses are also required to prominently display the “LeaveHomeSafe” venue QR code at the entrance to the venue or in a conspicuous location. Hotels must also comply with the relevant requirements if there are persons under compulsory quarantine in the hotel, which includes:

- segregating persons in quarantine from other persons not in quarantine, including by putting them on separate floors as far as practicable;
- taking all reasonable steps to ensure that the person in quarantine cannot leave their room during the quarantine period, save for emergency situations; and
- taking all reasonable steps to ensure the person in quarantine cannot receive any visitors into their room during the quarantine period, except for any carer who has undertaken to stay with the person under quarantine throughout the quarantine period.

Guesthouses may not receive quarantine guests. While the terms “hotel” and “guesthouse” are not differentiated under the Hotel and Guesthouse Accommodation Ordinance (Cap.349), the distinction is made by the licence the premises holds – either a hotel licence or guesthouse licence. The eligibility criteria for each licence (and subcategory of licence, in the case of guesthouses) is distinct.

Managers of scheduled premises that contravene the requirements of Cap. 599F will commit a criminal offence. Offenders will be subject to a maximum fine of HK\$50,000 and imprisonment for six months.

3. Extension of the Prohibition on Group Gatherings and Increased Fixed Penalty for Contravention

The prohibition on group gatherings of more than two persons in public places under the Prevention and Control of Disease (Prohibition on Group Gatherings) Regulation (Cap.599G) will continue until 23 December 2020. The prohibition is also applicable to group gatherings in catering businesses and scheduled premises regulated under Cap. 599F in which the relevant requirements or restrictions are not complied with.

Schedule 1 to Cap.599G outlines those public group gatherings which are exempted from the prohibition. This includes gatherings for / during:

- the purposes of or related to transportation;

- performing any governmental function;
- performing any function of a statutory body or an advisory body of the Government;
- the purposes of work at a place of work;
- obtaining or receiving hospital or healthcare services at a healthcare facility;
- i) the conduct of proceedings in a court, magistrates’ court or tribunal, the performance of any function of a judge or judicial officer or the conduct of any other business of the judiciary;
- the proceedings in the Legislative Council or a District Council;
- a funeral or other occasion for mourning or remembering a deceased who is yet to be buried or cremated;
- wedding ceremonies (subject to a cap of 20 persons and there being no food or drink served);
- certain specified meetings at which no food or drink is served (subject to a maximum of 20 persons per room or partitioned area), including:
 - i) meetings or bodies that must be held within a specified period in order to comply with any Ordinance or other regulatory instrument that governs the operation of the body or its business; and
 - ii) shareholders’ meetings of a company listed on a recognised stock market (as defined in the Securities and Futures Ordinance (Cap. 571)) that is held in accordance with any ordinance or other regulatory instrument that governs the operation of the company or its business; and
- the imparting of information or skills or handling supplies or items that are conducive to the prevention and control of COVID-19.

Public group gatherings of persons living in the same household are also exempted from the prohibition.

Any person who:

- participates in a prohibited group gathering;
- organises a prohibited group gathering;
- owns, controls or operates the place of such a gathering;

and, knowingly allows the prohibited group gathering to take place, commits an offence under the Prevention and Control of Disease (Prohibition on Group Gathering) Regulation (Cap. 599G). Offenders are liable to a maximum fine of HK\$25,000 and imprisonment for six months. Persons who participate in a prohibited group gathering may discharge liability for the offence by paying a fixed penalty of HK\$5,000, effective from 11 December 2020. This is an increase from the previous fixed penalty of HK\$2,000.

4. Mandatory Mask-wearing

The requirement to wear a mask at all times under the Prevention and Control of Disease (Wearing of Mask) Regulation (Cap. 599I) when:

- boarding or on board public transport;
- entering or being present in an MTR paid area; or
- entering or being present in a specified public place (i.e. all public places other than outdoor public places in country parks and special areas as defined in section 2 of the Country Parks Ordinance (Cap.208)).

will be extended until 23 December 2020.

An individual may be denied boarding of public transport / entry to a specific area or compelled to disembark public transport / leave the specified area if the person is not wearing a mask. Contravention of the regulation will be an offence, subject to a maximum fine of HK\$10,000, effective from 11 December 2020. Additionally, authorised public officers may issue fixed penalty notices to persons who do not wear a mask in accordance with the requirements and such persons may discharge liability for the offence by paying a fixed penalty, the level of which will be raised to HK\$5,000, effective from 11 December 2020.

5. Extension of Regulations under Cap. 599

The expiry dates of the following regulations under Cap. 599 will be extended to 31 March 2020:

- Compulsory Quarantine for Certain Persons Arriving at Hong Kong Regulation (Cap. 599C);
- Prevention and Control of Disease (Disclosure of Information) Regulation (Cap.599D);
- Compulsory Quarantine for Persons Arriving at Hong Kong from Foreign Places Regulation (Cap. 599E);
- Prevention and Control of Disease (Requirements and Directions) (Business and Premises) Regulation (Cap.599F);
- Prevention and Control of Disease (Prohibition on Group Gathering) Regulation (Cap.599G);
- Prevention and Control of Disease (Regulation of Cross-boundary Conveyances and Travellers) Regulation (Cap.599H); and
- Prevention and Control of Disease (Wearing of Mask) Regulation (Cap.599I).

The extension of the expiry dates does not mean that the restrictions under the regulations will be maintained until 31 March 2020. The Hong Kong Government has the flexibility to tighten, relax or suspend requirements and conditions as and when necessary.

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